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2006 NOV 16 PM 4:07

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November 13, 2006

Mail Stop 16
Director of the United States Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

Re: Application Number 09/994,600

Dear Sir:

An improper Request for Continued Examination, accompanied by the filing fee of \$790, was filed on October 17, 2006 for Application Number 09/994,600. In response, a Notice of Improper Request for Continued Examination (see attached) was mailed on November 6, 2006. As such, Applicants respectfully request a refund of the \$790 filing fee.

Feel free to contact me with any questions.

Sincerely,

BMF

Refund Ref:
11/28/2006 SDENBOB1 0000154948 *M.E.*

CHECK Refund Total: \$790.00

Bryan Failing
Registration No. 57,974

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Enclosures: Notice of Improper Request for Continued Examination (2 pages)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,600	11/19/2001	Douglas H. Anderson	CYPR-CD01174M	8949

7590 11/06/2006

WAGNER, MURABITO & HAO LLP
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San Jose, CA 95113

EXAMINER

STORK, KYLE R

ART UNIT PAPER NUMBER

2178

DATE MAILED: 11/06/2006

RECEIVED

NOV 09 2006

WMH

Please find below and/or attached an Office communication concerning this application or proceeding.



APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
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2006 NOV 16 PM 4:07

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 10/17/06 is improper for reason(s) indicated below:

- 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____ Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

TERESA DROM, Examining Group 2800
01-22-1603



10-19-06

RCE
IPW

Docket Number: CYPR-CD01174M
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Patent Application

I hereby certify that this transmittal of the below described documents is being deposited with the United States Postal Service in an envelope bearing Express Mail Postage and an Express Mail label, with the below serial number, addressed to the Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on the below date of deposit.

Express Mail Label No.:	EV800649092US	Name of Person Making the Deposit:	Anthony Chou
Date of Deposit:	10/17/06	Signature of the Person Making the Deposit:	<i>Anthony Chou</i>

In re Application of: Anderson, et al.

Application No.: 09/994,600

Examiner: Stork, K.

Filed: 11/19/01

Art Unit: 2178

For: SYSTEM AND METHOD FOR DYNAMICALLY GENERATING A CONFIGURATION DATA SHEET

Confirmation No.: 8949

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL
(SUBSECTION(B) OF 35 U.S.C. § 132)

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 for the above-identified application.

1. Submission required under a filing under 37 C.F.R. § 1.114

a. Previously submitted

i. Consider the amendment(s)/ reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered)

ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. Other _____

b. Enclosed

i. Amendment/Reply 10/20/2006 HDENESS1 00000052 09994600

ii. Affidavit(s)/Declaration(s) 01 FC:1801 790.00 DP

iii. Information Disclosure Statement (IDS)

iv. Other _____

Adjustment date: 11/28/2006 SDENB0B1
10/20/2006 HDENESS1 00000052 09994600
01 FC:1801 790.00 DP

2. Miscellaneous

RAM Fee History
 Query
 Revenue Accounting and Management

Name/Number: 09994600

Total Records Found: 7

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
10/20/2006	00000084	<u>1</u>	<u>1801</u>	\$790.00	10/17/2006	CK
04/18/2006	00000090	<u>1</u>	<u>1801</u>	\$790.00	04/13/2006	CK
06/28/2005	00000053	<u>1</u>	<u>1801</u>	\$790.00	06/23/2005	CK
11/29/2001	00000061	<u>1</u>	<u>101</u>	\$740.00	11/19/2001	CK
11/29/2001	00000062	<u>1</u>	<u>103</u>	\$108.00	11/19/2001	CK
11/29/2001	00000063	<u>1</u>	<u>102</u>	\$84.00	11/19/2001	CK
11/29/2001	00000064	<u>1</u>	<u>581</u>	\$40.00	11/19/2001	CK

Handwritten signature